

Applicants submit that at least claims 1-4 are generic and at least claims 1-5 are readable on the elected compound.

REMARKS

Notwithstanding the election of the claims of Group I and the elected compound in order to be responsive to the requirement for restriction, Applicants respectfully traverse the requirement.

Restriction is not proper in this instance as there is no undue burden to examine each of Applicants' claims. Reference is made to M.P.E.P. 803 which indicates that restriction should not be required where there is no undue burden for the Examiner to examine each of Applicants' claims. In the current case, the Examiner has not pointed to any evidence of a serious search burden. The Restriction Requirement lacks even the mere statement that there would be a burden on the Examiner to examine all of the claims, much less the required serious burden. In other words, the restriction requirement fails to fulfill the requirements of 35 U.S.C. § 121 and 37 C.F.R. §803, and should be withdrawn.

Moreover, the non-elected groups of claims include the compounds recited in the claims of Group I. Accordingly, a search of the compounds of Group I would include a search of the compounds included in the claims of the other groups. Therefore, restriction is improper. In this regard, if the restriction is maintained, the Examiner is requested to point out the burden to examine each of Applicants' claims.

In regard to the requirement for election of a simple compound, Applicants note that each of the claims must be examined so that there is no burden on the Examiner for at least this reason.

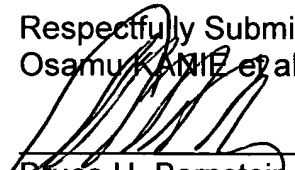
In view of the foregoing, it is respectfully requested that the Examiner reconsider the requirement for restriction and election of a single compound, and withdraw the same so as to give an examination on the merits on all of the claims and compounds pending in this application. In any event, the claims should be rejoined upon allowance of the elected claims. Also, consideration of all non-elected compounds should proceed upon the allowance of a generic claim.

CONCLUSION

Therefore, the Examiner is respectfully requested to reconsider and withdraw the restriction requirement. Furthermore, even if the restriction requirement is initially maintained, if the elected claims are found to be allowable, the non-elected subject matter should be rejoined.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully Submitted,
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